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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,349	03/09/2004	H. Thomas Graef	D-1217 R4	1985
28995	7590	08/28/2006	EXAMINER	
RALPH E. JOCKE walker & jockey LPA 231 SOUTH BROADWAY MEDINA, OH 44256			KUMAR, RAKESH	
			ART UNIT	PAPER NUMBER
				3654

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/796,349	GRAEF ET AL.
	Examiner	Art Unit
	Rakesh Kumar	3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 June 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-13, 17 and 19 is/are allowed.
- 6) Claim(s) 1-3, 14-16, 18 and 20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 09 March 2004 and 29 November 2005 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

Final Rejection

1. The prior art rejections are maintained or modified as follows:

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (U.S. Patent Number 6,128,402) in view of Suga et al. (U.S. Patent Number 6,260,840).

- 4.

5. Referring to claim 1. Jones discloses a currency processing system, describing a method comprising:

(a) deforming a first leaf spring (253; Figure 23 and 24) portion integrally formed on a housing (Col. 42 line 60) within a cash dispensing automated banking machine (Figure 1a), releasing force holding a passive transport roll (250) adjacent a rotatable sheet driving roller member (223; Figure 20a);

(b) subsequent to (a), (*the first leaf spring 253 must be deformed prior to moving the passive transport roll 250 away from contact with the driving roller 223; see Figure*

20a) moving the passive transport roll (250) away from the driving roller member (223; Figure 20a).

Jones does not specifically disclose the leaf spring (253) to be operatively engaging a stripping member, which in turn is adjacent to a rotatable sheet picking member.

Suga et al. discloses a method for a first spring member (73a; Figure 3) biasing a releasing force holding a stripping member (53) adjacent a rotatable sheet picking member (51).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified the apparatus of Jones and include a biasing spring mechanism in engagement with stripping member as taught by Suga, thus provide a leaf spring (253; Figure 23; Jones) in engagement with a stripping member (220; Figure 20a; Jones) adjacent a rotatable sheet picking member (223; Figure 20a; Jones) such that deforming a leaf spring is required subsequent to moving the stripping member (220) away from the picking member (223). Because, the stripping member (205; Jones) could be biased below the bottom wall (205; Figure 20a) and easily removed for maintenance.

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6. Claims 2, 3 and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over in Jones in view of Suga as applied to claim 1 above, and further in view of Furuki et al. (U.S. Patent Number 6,000,689).

7. Referring to claims 2,3,14-16,18 and 20. Jones disclose the method of using integrally formed leaf springs (see claim 1) biasing a roller member wherein the leaf spring must be deformed subsequent to moving the roller member away from it driving roller.

Jones does not disclose a carry away biased by a spring adjacent to a picking member.

Furuki et al. describes a method for automatic paper feeding wherein deforming a second spring (23; Figure 10B) releases a force holding a carry away member (22a) adjacent the picking member (3).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified a biasing spring mechanism integrally formed on the housing as taught by Jones in view Suga and include a spring biased carry away roller (22) adjacent to a picking member (3), because routine maintenance can easily be performed by simply moving the carry away roller away from each other by the subsequent biasing of a leaf spring.

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8. Referring to claims 14 and 15. With respect to claim 14 and 15, Furuki et al. discloses a method of receiving a signal input through a rotation amount setting means 37, which forwards a signal to a control unit 31. The control unit 31 through the means of a step motors 30, 36 rotates the picking member 3 while engaged to media tray 2 and advancing a single sheet media 1 through the assembly in the downstream direction (see Figure 30 Col 7 line 60-64).

Furuki et al. does not disclose the input being derived in particular from a user.

It would have been obvious to one skilled in the art at the time of the invention was made to modify the teaching of Jones in view of Suga and include a input signal as taught by Furuki as a signal that is activated by the user or by a sensor that detects the presence of the user. Thus the embodiment is only active when it is in use and as a result will reduce the wear on the assembly parts.

9. Referring to claims 16,18 and 20. See claims above.

Allowable Subject Matter

10. Claims 4-13,17 and 19 are allowable.

Response to Arguments

Applicant's arguments filed 06/06/2006 have been fully considered but they are not persuasive.

The applicant argues the leaf spring (253 of Jones is not "integrally formed on a housing." In the view of the Office the leaf springs retaining rollers (250 and 251) are

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integrally connected to the housing of the apparatus (see Figure 24; Jones) wherein member (18b) is connected to a base support, it is thus, in the view of the Office that the leaf spring is integrally formed on the housing. Furthermore, the applicant's claims are "method claims," the apparatus disclosed by Jones in combination with the referenced arts (see above) fully satisfy the limitations of the "method" disclosed by applicant in the embodiment. The applicants emphasis on the structure is noted however, the method recited would have been obvious for one skilled in the art at the time the invention was made (see rejection above).

In response to applicant's argument that "Suga is directed to a copy machine" and is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case Suga discloses a sheet feeding transport apparatus which is analogous to the transport system of an automated banking machine because both transport sheet media.

11. Examiner has maintained the prior art rejections, statutory rejections and drawing objections as previously stated and as modified above.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

12. Any references not explicitly discussed above but made of record are considered relevant to the prosecution of the instant application.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rakesh Kumar whose telephone number is (517) 272-8314. The examiner can normally be reached on 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RK

March 3, 2006



KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600